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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/068,636      | 02/06/2002  | Martin Greive        | A-3222              | 8095             |

7590 07/29/2003

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EXAMINER

LIANG, LEONARD S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/068,636

Applicant(s)

GREIVE, MARTIN

Examiner

Leonard S Liang

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

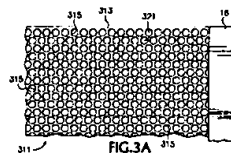
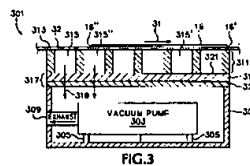
1. Claims 1-2 and 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yraceburu et al (US Pat 6409332).

Yraceburu et al discloses:

- {claim 1} A device for holding a sheetlike article on a moveable underlying surface for transporting the sheetlike article at least in one direction selected from the group consisting of a direction into and a direction out of an operating station having printing heads (figure 1, reference 14, 31, 37; column 2, lines 66-67; column 3, lines 1-3); a moveable belt formed with through-passage holes, the belt having a surface underlying the sheetlike article, the sheetlike article being retainable by pneumatic pressure on the surface (figure 3, reference 32, 307; column 5, lines 11-17); a screening device disposed locally fixedly with respect to the operating station, the screening device serving for reducing an airflow in a region of the printing heads at least with respect to adjacent regions, the

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reduction in the airflow resulting from the sheetlike article being held on the underlying surface (figure 3, reference 317; column 6, lines 6-15); a cover plate disposed beneath the belt, the cover plate formed with pass-through openings (figure 3, reference 311, 313); a sheet-like mesh formed with holes and disposed beneath the cover plate, the holes of the mesh being of such number and size to cause, as a result of flow resistance thereof, an adequate reduction in the airflow in the region of the printing heads (figure 3, reference 317; column 6, lines 6-15); and a virtually limited first suction chamber disposed beneath the region of the printing heads (figure 3, reference 307; column 2, lines 5-18, 39-65); the first suction chamber having termination edges extending transversely to a transporting direction of the movable belt and limiting the first suction chamber in a longitudinal direction of the movable belt (figure 3, reference 307; the edges (i.e. corners) of reference 307 extend in both horizontal and vertical directions; therefore, the termination edges can be seen to extend transversely to a transporting direction of the movable belt and limiting the first suction chamber in a longitudinal direction of the movable belt)



- {claim 2} the printing heads are ink-jet heads (column 2, lines 5-18, 66-67)
- {claim 5} a negative-pressure source (figure 3, reference 303), the screening device having a throttle opening, the first suction chamber being connected to the negative pressure source via the throttle opening (figure 3, reference 317; column 6, lines 6-15)

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- {claim 6} further suction chambers (figure 5, reference 315”), the further suction chambers being located adjacent the first suction chamber and having a greater negative pressure than that of the first suction chamber (column 6, lines 10-15)
- {claim 7} the cover plate covers the suction chambers and serves for guiding the belt (figure 3, reference 311, 313)
- {claim 8} the mesh is connected to the cover plate (figure 3, reference 311, 317)
- {claim 9} the connection of the mesh to the cover plate is a connection selected from the group consisting of integral and releasable connections (figure 3, reference 311, 313; figure 3A, reference 313; platen is integrally connected to mesh 317; platen surface 313 is individually shown in figure 3A, and thus implied to be releasable)
- {claim 10} the underlying surface is on a continuous transport belt formed with holes around the length thereof and guidable in given sections by the cover plate (figure 3, reference 32, 313; column 5, lines 15-18)
- {claim 11} the pneumatic pressure is selected from the group thereof consisting of positive and negative pressures (figure 3, reference 303; negative pressure disclosed )
- {claim 12} the pass-through openings of the cover plate in the region of the printing heads have a smaller pass-through surface area than pass-through openings outside the region (inherent in view of column 5, lines 60-67; column 6, lines 1-2; openings in print regions are disclosed to be partially open so as not to alter ink drop flight trajectories)
- {claim 13} the mesh only applies in areas where the printing heads are located (inherent in view of column 2, lines 39-41; column 6, lines 14-15; the invention is meant to apply towards minimizing airflow impact on ink-jet drop flight trajectory (ink-jet drop trajectory is located in areas where the printing heads are located)

***Response to Arguments***

2. Applicant's arguments filed on 06/16/03 have been fully considered but they are not persuasive.

The applicant's amendments do not overcome the rejection previously made in view of Yraceburu et al (US Pat 6409332). Yraceburu et al discloses the newly claimed limitation of the claimed invention, as shown in the rejection above.

The applicant argues, "There are no further suction units adjacent the plate 36 for creating negative pressure in order to properly transport the sheet." The examiner is not quite sure how this argument pertains to the claimed invention. The claimed invention claims a first suction chamber, but does not claim any other suction units. Yraceburu et al discloses this first suction chamber as claimed (as shown in the rejection above).

The applicant further argues, "A suction chamber (13) is provided in the area of the printing heads (5). The suction chamber (13) is formed with termination edges (31) in order to be able to adjust a negative pressure in the suction chamber (13) separately from adjacent chambers." The examiner believes that the applicant is trying to improperly narrow the claimed invention by reading in limitations from the specified invention. Regardless of how closely Yraceburu et al resembles the applicant's specified invention, it reads on the claimed invention, as shown in the rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S Liang whose telephone number is (703) 305-4754. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (703) 308-4896. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

lsl LSL  
July 23, 2003

  
Stephen D. Meier  
Primary Examiner